



June 24, 2002

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Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 Twelfth St., SW
Washington, DC 20554

Re: *Ex Parte* presentation in MM Docket 95-31

Dear Ms. Dortch:

On June 24, 2002 Cheryl A. Leanza, Deputy Director of Media Access Project ("MAP") and Andrea C. Harrington, Legal Intern at MAP, both representing MAP and National Federation of Community Broadcasters, met with Catherine Crutcher Bohigian, Legal Advisor to Commissioner Martin, with respect to the above-captioned docket. Ms. Leanza and Ms. Harrington expressed concern that the Commission would revise the definition of "established local applicant" for the purposes of awarding localism credits to non-commercial, educational applicants. These concerns are outlined in the attached document that was also presented to Ms. Bohigian.

Pursuant to Section 1.1206, 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Sincerely,

Cheryl A. Leanza
Deputy Director

COMPARATIVE STANDARDS FOR NONCOMMERCIAL EDUCATIONAL
APPLICANTS:
LOCALISM CREDIT MM DOCKET NO. 95-31

Youngshine argues that NCE applicants: 1) that filed before April 4, 2000 and 2) that have a board with 75% of the members residing within 25 miles of its station should not be required to show that they existed for at least 2 years prior to applying to receive localism credits. Youngshine reasons that as long as the first 2 requirements are met there is no danger of fraud because applicants could not know that the Commission would give credits for localism until after the Commission adopted the localism credit rules on April 4, 2000. *See* Youngshine Petition for Further Clarification, CC Docket 95-31, filed (April 18, 2001) at 5-6.

- If the Commission accepts this proposal MAP and NFCB believe the exception should be strictly limited to full power applicants who applied for NCE licenses prior to April 4, 2000.
 - The FCC determined that credit should go to "established" local entities. *See In the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 15 FCC Rcd 7386 (2000) at ¶ 55.
 - Applicants that have existed for at least 2 years possess deeper roots in the community. Such a requirement is consistent with the Commission's stated goal of encouraging bona fide local ownership. *See id.*
 - The burden on applicants to show that their entity has existed for at least 2 years prior to filing is minimal: entities do not have to be a 501(c)(3) or be incorporated to comply with the Commission's rules.
 - The FCC must be clear about the distinctions between LPFM and full power NCE selection criteria because they are very similar. *Compare* 47 CFR 73.872 *and* 47 CFR 73.7003(b)(1).
 - Significant numbers of LPFM applicants have submitted applications for entities that have not existed for 2 years, despite the FCC's rules to the contrary. Requiring an entity to be in existence for at least 2 years before the filing date limits fraudulent applications.